



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY ARMOR CENTER AND FORT KNOX
50 3RD AVENUE, SUITE 229
FORT KNOX, KENTUCKY 40121-5230

Expires 21 March 2010

ATZK-JA

27 August 2009

MEMORANDUM FOR

Commanders, All Units Reporting Directly to This Headquarters
Directors and Chiefs, Staff Offices/Departments, This Headquarters

SUBJECT: Fort Knox Policy Memo No. 44-14 – Military Justice

1. References.

- a. Uniform Code of Military Justice (UCMJ), 10 USC. Section 801, et seq.
- b. Manual for Courts-Martial, United States, 2008 Edition.
- c. AR 27-10, Military Justice, 16 November 2005.

2. The purpose of this policy is to ensure the credibility and integrity of our military justice system, which is essential to the good order and discipline within all units and organizations assigned or attached to this command.

3. A commander has a unique and powerful role in the military justice system that affects individual lives as well as the morale and readiness of the command. This role must be performed carefully, deliberately, and in strict compliance with applicable law and regulations. Accordingly, you must understand and comply with the following requirements and prohibitions:

- a. Soldiers deserve, and I demand they receive, individual and fair consideration of the facts and circumstances surrounding each allegation of misconduct.

- b. Commanders will not have an inflexible policy or a predetermined disposition or punishment based either upon the type of offense or rank of the offender.

- c. Commanders will not order a subordinate to dispose of a case in a certain way. Equally as important, commanders may not influence, whether directly or indirectly, the decisions of subordinate commanders regarding action under the UCMJ. Every commander at every level will exercise independent discretion in determining an appropriate disposition (or recommendation for disposition) for each case.

- d. Commanders shall dispose of all allegations of offenses in a timely manner at the lowest appropriate level. In determining what disposition is warranted, appropriate, and fair, commanders will consult with trial counsel and Rule for Courts-Martial 306.

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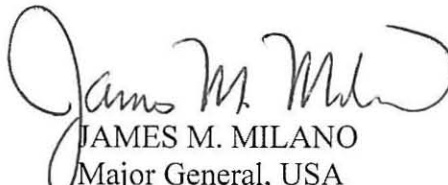
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e. Neither commanders nor subordinate leaders will intimidate or discourage potential witnesses, directly or indirectly, from testifying on behalf of a Soldier at a court-martial, administrative board, or Article 15, UCMJ, proceeding. To the contrary, individuals possessing favorable information about a Soldier must be encouraged to testify. Fairness to the individual Soldier demands nothing less.

f. A Soldier may be placed under pretrial restraint (restriction, pretrial confinement, or other restrictions on liberty beyond merely suspending the pass privilege) only if there is reasonable belief that an offense triable by court-martial has been committed, that the Soldier committed the offense, and restraint is required by the circumstances. Restrictions on liberty are not permitted in advance of nonjudicial proceedings. Lesser forms of restraint must be considered before pretrial confinement is ordered. When contemplating pretrial confinement, commanders must consult with assigned trial counsel and consider both the facts and standards within Rule for Courts-Martial 304. If any form of restraint is imposed, commanders must notify their trial counsel immediately to ensure prompt disposition of the case.

g. Punishing a Soldier accused of misconduct before proper administrative or UCMJ proceedings are completed is unlawful. Additionally, any treatment that humiliates, ridicules, or is otherwise contrary to the inherent dignity of an accused Soldier is strictly prohibited.

4. Our Soldiers are our most precious resource. Soldiers will rally behind and remain loyal to caring, deliberate, and fair commanders and cadre. An unfair approach to discipline and justice or unlawful command influence in any form will have an adverse impact on our warfighting effectiveness.


JAMES M. MILANO
Major General, USA
Commanding

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